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Dated: October 14, 2009
Electronic Signature for Jill Gorny Sloper, Esq.: /Jill Gorny Sloper, Esq./

Docket No.: RUJ-001CNCP2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Daniel Hawiger *et al.*

Application No.: 10/800,023

Confirmation No.: 9210

Filed: March 12, 2004

Art Unit: 1644

For: ENHANCED ANTIGEN DELIVERY AND
MODULATION OF THE IMMUNE
RESPONSE THEREFROM

Examiner: R. B. Schwadron

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATION CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES**

Dear Sir:

A Notice to Comply with Requirements for Patent Application Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (hereinafter "Notice") issued in the above-referenced case on September 16, 2009. In brief, the Notice asserts that the Sequence Listing submitted on January 30, 2008 fails to comply with the Requirements of 37 CFR 1.821-1.825. Specifically, the Examiner alleges that:

37 CFR 1.822(c)(5) requires that all nucleotide sequences in the sequence listing be presented in the 5' to 3' direction. Sequences 7, 8, 40, 12 (as per sections [0254] and [0260] of the specification) have been presented in the sequence listing in the 3' to 5' direction. Appropriate correction is required.

Contrary to the Examiner's assertion, Applicants respectfully note that three of the sequences questioned by the Examiner (*i.e.*, sequences 7, 8 and 12) are in fact listed in the 3' to 5' orientation in paragraphs [0254] and [0260] of the specification as filed. As such, these sequences were correctly reoriented to the 5' to 3' direction in the Sequence Listing, pursuant to

37 CFR 1.822(c)(5). Additionally, sequence 40 is already correctly oriented in the 5' to 3' direction in both the Sequence Listing and the specification.

Moreover, Applicants note that (1) a computer readable form (CRF) of the Sequence Listing, (2) an Amendment specifically directing entry of the Sequence Listing into the Sequence Listing, and (3) a Statement Pursuant to 37 CFR 1.821-1.825 were submitted along with the substitute Sequence Listing on January 30, 2009.

Accordingly, Applicants respectfully maintain that the Sequence Listing filed on January 30, 2009 fully conforms with the sequence rules (*i.e.*, 37 CFR 1.822(c)(5), in particular). As such, issuance of the present Notice was unwarranted and Applicants respectfully request that the Examiner reconsider and withdraw the Notice.

Dated: October 14, 2009

Respectfully submitted,

Electronic signature: /Jill Gorny Sloper, Esq./
Jill Gorny Sloper, Esq.
Registration No.: 60,760
LAHIVE & COCKFIELD, LLP
One Post Office Square
Boston, Massachusetts 02109-2127
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant